

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL MOODY,

Defendant.

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8:08CR116

ORDER

This matter is before the court on the motion for an extension of time by defendant Michael Moody (Moody) (Filing No. 10). Moody seeks an additional forty-five days in which to file pretrial motions. Moody has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Moody's motion for an extension of time (Filing No. 10) is granted. Moody is given until **on or before June 16, 2008**, in which to file pretrial motions. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 30, 2008 and June 16, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Trial of this matter scheduled for June 2, 2008, is continued *sine die* and will be rescheduled following the disposition of any pretrial motions.

DATED this 30th day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge